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Letter dated 7 November 2005 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to attach information regarding the measures being taken by the Government of Uzbekistan on further liberalization of the court-judicial system in Uzbekistan (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the sixtieth session of the General Assembly, under agenda item 71 (b).

(*Signed*) Alisher **Vohidov**
Permanent Representative

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Annex to the letter dated 7 November 2005 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Information regarding the measures being taken by the Government of Uzbekistan on liberalization of the court-judicial system

Uzbekistan is taking systematic measures to liberalize the court-judicial system which is now based on an entirely new approach.

In particular, in the field of penal procedure, the following measures have been introduced in order to ensure the complete independence of the courts:

- The courts are now divided into specialized categories, criminal, civil and economic;
- Cases can now be reviewed on appeal and by way of cassation;
- The time limits for investigation and for the detention of persons in custody have been reduced by law and strict time limits have been established for the consideration of cases by the courts;
- A Department for the Enforcement of Court Decisions is in operation, relieving the courts of functions that do not properly belong to them;
- The principle of the equality of the prosecutor and the lawyer is guaranteed in court procedure;
- In accordance with a decree of the President of the Republic of Uzbekistan, legal procedures are being developed whereby arrest warrants issued by the prosecutor are referred to the courts (habeas corpus); these procedures will come into force on 1 January 2008.

Substantive reforms have also been introduced in the field of penal and penitentiary legislation.

In particular, the classification of crimes has been entirely changed, substantially enlarging the category of less serious offences that do not constitute a danger to society. As a result of this approach, in the past two and half years alone some 5,000 people who had committed offences not constituting a major threat to society were not deprived of their liberty.

The number of articles of the code under which early release is available has been increased. In Uzbekistan there are 158 prisoners per 100,000 members of the population, significantly less than in the majority of countries. Reconciliation as a means of administering justice has also been incorporated in legislation, thereby making it possible to release over 26,000 people from criminal liability.

At the same time, it must be pointed out that, in the course of a little over 10 years, the number of crimes liable to the death sentence has been reduced from 33 to 2. The death penalty is now available only in the case of two crimes, namely premeditated murder with aggravating circumstances and terrorism. Capital

punishment is prohibited in the case of minors, women and men aged more than 60 years.

At the present time, in accordance with a presidential decree, the administrative and legal procedures are being prepared for the total abolition of the death penalty as a penal sanction with effect from 1 January 2008.